

## Schweizer, Jonathan

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**From:** Clark, Jacqueline  
**Sent:** Monday, January 30, 2017 7:26 AM  
**To:** Linda Verhulst  
**Cc:** Schweizer, Jonathan  
**Subject:** RE: Preliminary Comments on Pretreatment Ordinance, Enforcement Response Plan (ERP) and Attorney's Statement  
**Attachments:** Attorney letter Checklist 012717.xlsx; Approved Attorney Letter - Lockport March 2016.pdf

Ms. Verhulst – thank you for sending the revised Attorney’s Statement for our review in draft form. I have reviewed the letter, and it is lacking in addressing all the required elements of 40 CFR Section 403.8(f)(1). To aid in your attorney’s drafting, I am attaching a checklist that contains the required elements of an attorney’s statement, as well as the City of Lockport’s Attorney’s Statement that was accepted by EPA and can serve as a good example of what the statement should include. Should your attorney have any questions about the substance of or requirements for the statement, please feel free to have him contact me directly via email or at my direct line, listed below.

Thank you,  
Jacquie

Jacqueline Clark

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U.S. EPA, Region 5 (C-14J)  
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Chicago, IL 60604  
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**From:** Linda Verhulst [mailto:lkverhulst@scwrd.org]  
**Sent:** Wednesday, October 12, 2016 9:24 AM  
**To:** Schweizer, Jonathan <[schweizer.jonathan@epa.gov](mailto:schweizer.jonathan@epa.gov)>; R5NPDES <[R5NPDES@epa.gov](mailto:R5NPDES@epa.gov)>  
**Cc:** Clark, Jacqueline <[clark.jacqueline@epa.gov](mailto:clark.jacqueline@epa.gov)>  
**Subject:** RE: Preliminary Comments on Pretreatment Ordinance, Enforcement Response Plan (ERP) and Attorney's Statement

Hello Jonathan,  
Please find the attached revised attorney statement from our lawyer. The letter is in draft form, and he is requesting comment prior to issuing the final signed statement.

**Linda Verhulst**  
**Technical Supervisor**



(formerly Springfield Metro Sanitary District)  
3000 N. 8th Street  
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**PLEASE NOTE our name change, and that my email has changed to [lkverhulst@scwrd.org](mailto:lkverhulst@scwrd.org). Please change this in your contact information. Thank you!**

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**From:** Schweizer, Jonathan [<mailto:schweizer.jonathan@epa.gov>]  
**Sent:** Tuesday, August 09, 2016 6:19 PM  
**To:** Linda Verhulst  
**Cc:** Clark, Jacqueline  
**Subject:** Preliminary Comments on Pretreatment Ordinance, Enforcement Response Plan (ERP) and Attorney's Statement

Dear Ms. Verhulst,

We haven't been in communication on this matter since March, but it would be to yours and our benefit to move the subject Ordinance towards approval. We have a few preliminary comments on some of your submitted material, namely, Chapter 5 of the Ordinance, which provides an Enforcement Response Plan, and the attorney's statement, the purpose of which is to define the basis of the Springfield Metro Sanitary District's legal authority to operate a pretreatment program. Please note that these comments are preliminary, since these documents are still under review at our Office of Regional Counsel, and upon completion of their review other issues may be raised. Our comments are as follows:

1. Chapter 5 of the Springfield Metro Sanitary District (SMSD) SUO seems to do a reasonable job describing the actions to be taken for various infractions (though a supplemental table would help) but there is no discussion of the use of monitoring and inspections to detect incidences of noncompliance. Chapter 5 also is silent on staffing roles and responsibilities, as well as how violations, actions taken by SMSD and industrial user responses to those actions will be tracked to ensure that enforcement is actually working.
2. With regard to the attorney's statement, it needs to be more specific by citing (by chapter, section etc.) specific parts of the municipal code that provide the appropriate authorities to run a municipal pretreatment program rather than merely saying that based on an examination of this and that documents, Springfield Metro Sanitary District has the authority to operate the program.

We have attached 3 guidance documents to address the ERP and the attorney's statement. While It isn't required that you follow these to the letter, but they should help illustrate what we're looking for. If you have any questions, please feel free to email me or call @ (312) 886-0211. Thank you.

Jonathan Schweizer, Staff Environmental Engineer, NPDES Programs Branch, Water Division, USEPA Region 5, Chicago